

ASSEMBLY, No. 505

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Increases penalties for certain criminal offenses committed against elderly and persons with a disability.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/1/2021)

1 **AN ACT** concerning abandonment and neglect of certain persons and
2 amending P.L.1989, c.23.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.1989, c.23 (C.2C:24-8) is amended to read
8 as follows:

9 1. a. An actor is guilty of a disorderly persons offense when
10 the actor knowingly acts in a manner likely to be injurious to the
11 physical, mental, or moral welfare of a person 60 years of age or
12 older or a disabled adult.

13 b. An actor is guilty of a crime of the fourth degree if the actor
14 has a legal duty to care for, or has assumed continuing
15 responsibility for the care of, a person 60 years of age or older or a
16 disabled adult when the actor knowingly acts in a manner likely to
17 be injurious to the physical, mental, or moral welfare of the person.

18 c. **【A person】** An actor having a legal duty to care for or who
19 has assumed continuing responsibility for the care of a person 60
20 years of age or older or a disabled adult, who abandons the elderly
21 person or disabled adult or unreasonably neglects to do or fails to
22 permit to be done any act necessary for the physical or mental
23 health of the elderly person or disabled adult, is guilty of a crime of
24 the third degree. For purposes of this section, "abandon" means the
25 willful desertion or forsaking of an elderly person or disabled adult.

26 d. An actor having a legal duty to care for or who has assumed
27 continuing responsibility for the care of a person 60 years of age or
28 older or a disabled adult, who causes the elderly person or disabled
29 adult harm that would make the elderly person or disabled adult
30 abused or neglected as those terms are defined in section 2 of
31 P.L.1993, c.249 (C.52:27D-407) is guilty of a crime of the second
32 degree.

33 **【b.】** e. A person shall not be considered to commit an offense
34 under this section for the sole reason that **【he】** the person provides
35 or permits to be provided nonmedical remedial treatment by
36 spiritual means through prayer alone in lieu of medical care, in
37 accordance with the tenets and practices of the elderly person's or
38 disabled adult's established religious tradition, to an elderly person
39 or disabled adult to whom **【he】** the person has a legal duty to care
40 for or has assumed responsibility for the care of.

41 **【c.】** f. Nothing in this section shall be construed to preclude or
42 limit the prosecution or conviction for any other offense defined in
43 this code or in any other law of this State.

44 (cf: P.L.1999, c.8, s.1)

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill establishes a gradation of criminal offenses, ranging from
7 a disorderly persons offense to a crime of the second degree, for
8 crimes committed against disabled adults and persons 60 years of age
9 or older.

10 Currently, section 1 of P.L.1989, c.23 (C.2C:24-8) makes it a
11 crime of the third degree for a person having a legal duty to care for a
12 person 60 years of age or older or a disabled adult to unreasonably
13 neglect to do, or fail to permit to be done, any act necessary for the
14 physical or mental health of the disabled adult.

15 Under the bill, it would be a disorderly persons offense under
16 section 1 of P.L.1989, c.23 (C.2C:24-8) to knowingly act in a manner
17 likely to be injurious to the physical, mental or moral welfare of a
18 person 60 years of age or older or a disabled adult. The bill makes it a
19 crime of the fourth degree if the actor has a legal duty to care for, or
20 has assumed continuing responsibility for the care of, a person 60
21 years of age or older, or a disabled adult, and knowingly acts in a
22 manner likely to be injurious to the physical, mental or moral welfare
23 of that person.

24 The bill also provides that if an actor has a legal duty to care for, or
25 responsibility for the care of, a person 60 years of age or older or a
26 disabled adult, and causes such person harm that would make him
27 abused or neglected, the actor would be guilty of a crime of the second
28 degree.

29 A disorderly persons offense is punishable by a term of
30 imprisonment of up to six months or a fine of up to \$1,000, or both.
31 Crimes of the fourth degree are punishable by a term of imprisonment
32 of up to 18 months, a fine of up to \$10,000, or both. A crime of the
33 third degree is punishable by a term of imprisonment of three to five
34 years, a fine of up to \$15,000 or both. A crime of the second degree is
35 punishable by a term of five to 10 years, a fine up to \$150,000, or
36 both.